

APPLICANT(S): LIBERMAN, Boris  
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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1 – 7, 11 and 12 are pending in the application. Claims 1 – 6 and 11 have been rejected. Claims 7 and 12 have been objected to. Claim 1 has been voluntarily amended for clarification only. This amendment does not narrow the scope of the claim, nor is it being made for reasons of patentability. Applicant respectfully asserts that no new matter has been added.

### **ALLOWABLE SUBJECT MATTER**

Applicant notes that the Examiner has indicated that claims 7 and 12 contain allowable subject matter.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1, 4, 6 and 11 under 35 U.S.C. § 102(b), as being anticipated by Wright (US Patent No. 4,072,920).

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As is well established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected.

Applicant respectfully traverses the rejection of claims 1, 4, 6 and 11 under 35 USC §102(b), *inter alia*, because a *prima facie* case of anticipation has not been established.

Claim 1 recites: "A device to hold a flexible substrate to be printed upon" "a static support structure" and "said tension being along a feed path of said flexible substrate parallel to said plane".

Wright does not teach, either expressly or inherently, all elements of independent claim 1. Wright does not disclose at least "A device to hold a flexible substrate to be printed upon" as recited in claim 1. Additionally, Wright discloses neither "a static support structure" nor "said tension being along a feed path of said flexible substrate parallel to said plane", as recited in claim 1.

Wright discloses a permanent magnet holding plate. The permanent magnet holding plate has the shape of a saddle and is mounted on a printing press roll or cylinder for holding a flexible, steel-back printing plate in place during the printing operation (see col. 1, lines 8-12).

As is well known in the art, a printing plate is not "a substrate to be printed upon", as recited in claim 1.

In the Office Action, the Examiner contends that Wright disclose "a tensioning device configured so as to produce tension in the flexible substrate, the tension being along a feed path of the flexible substrate parallel to the plane" as "tension inherently caused by magnetic force". Applicant respectfully asserts that the tension inherently caused by the magnetic force is in a direction perpendicular to the to the longitudinal axis of the strips of magnetic material.

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Additionally, as the printing plate does not have a feed path relative to the holding device. In contrast, the purpose of the holding plate is to hold the printing plate in the same position on the roll or cylinder during the printing operation.

Furthermore, during the printing operation, the saddle holding plate is not static, as it moved with the printing press roll or cylinder. Accordingly, Wright does not disclose "a static support structure", as recited in claim 1.

Claims 4, 6 and 11 are dependent, directly or indirectly, from claim 1 and include all the limitations of this claim. Therefore, the patentability of claims 4, 6 and 11 follows directly from the patentability of claim 1. Therefore, applicant respectfully asserts that claims 4, 6 and 11 are likewise allowable and requests that the rejection of claims 4, 6 and 11 be withdrawn.

### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claim 2 under 35 U.S.C. § 103(a), as being unpatentable over Wright (US Patent No. 4,072,920) in view of Hallman et al. (US Patent 5,820,932).

In the Office Action, the Examiner rejected claims 3 and 5 under 35 U.S.C. § 103(a), as being unpatentable Wright (US Patent No. 4,072,920) in view of Hallman et al. (US Patent 5,820,932), as applied to claim 2 and further in view of Tajika et al. (US Patent 5,988,783)..

As discussed above with respect to the rejection under 35 U.S.C. § 102(a), claim 1 is believed to be allowable. Claim 3 is dependent from claim 1 and includes all the limitations of this claim. Therefore, the patentability of claim 3 follows directly from the patentability of claim 1. Therefore, applicant respectfully asserts that claim 3 is likewise allowable and requests that the rejection of claim 3 be withdrawn.

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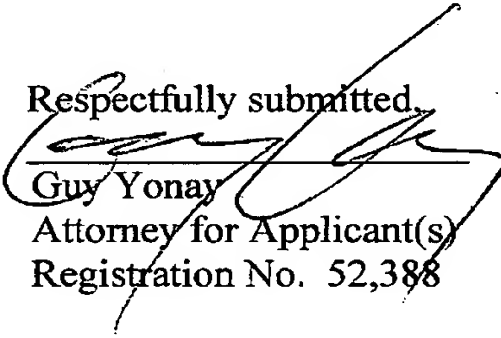
### CONCLUSION

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
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